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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/439,555 | 11/12/1999 | HITOSHI YASUDA | B208-1060 | 1785 |

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EXAMINER

WILSON, JACQUELINE B

ART UNIT PAPER NUMBER

2612

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/439,555

Applicant(s)

YASUDA, HITOSHI

Examiner

Jacqueline Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 16-19 is/are allowed.
- 6) ☒ Claim(s) 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 20, 24, and 25 have been considered but are moot in view of the new ground(s) of rejection.

Please see new ground of rejection below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 20-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (US 5,337,084).

Regarding Claim 20, Nakamura teaches a control device (1, 21) which restrains the focus adjusting system from being driven in a same direction if the focus adjusting system has been consecutively driven in the same direction (step S007 determines if the image is in focus during the mountain climbing control and step S301 stops (restrains) from further adjustments), before determining whether a focusing direction of the focus adjusting system is the same or not more than a predetermined number of

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time (see step S008, in which step S301 is performed before S008 if the image is in focus) while causing the driving device to drive the focusing adjusting system.

Regarding Claim 21, Nakamura teaches the apparatus includes an image pickup apparatus (fig. 1, element 3).

Regarding Claim 22, Nakamura teaches the apparatus includes a camera (fig. 1 is a block diagram of a camera).

Regarding Claim 23, Nakamura teaches the apparatus includes an optical apparatus (lens; see fig. 1, element 2).

Regarding Claim 24, Nakamura teaches restraining the focus adjusting system from being driven in a same direction (step S301) if the focus adjusting system has been consecutively driven in the same direction (in which Step S007 performs hill climbing until the image is in-focus), before determining whether a focusing direction of the focus adjusting system is the same or not more than a predetermined number of time (Step S007 does not determine if the focusing direction is the same or not more than a predetermined number of time, but teaches if the signal is in focus; this is interpreted as before determining whether a focusing direction of the focus adjusting system is the same or not more than a predetermined number of time since it is not performed) while driving the focus adjusting system from one of a state in which a near-distance object is in focus and a state in which a far-distance object is in focus to the other (inherent since either one or the other is being captured).

Claim 25 is analyzed and discussed with respect to Claim 24. (See rejection of Claim 24 above.)

Allowable Subject Matter

2. Claims 1-14, are 16-19 are allowed.

Regarding Claim 1, the prior art neither teaches nor fairly suggests a focus adjusting system, a driving device, and a control device **having a first driving mode for minutely driving the focus adjusting system and a second driving mode for driving the focus adjusting system at a high speed**, which, in the first mode, repeatedly performs determination of a focusing state of the focus adjusting system while causing the driving device to drive the focus adjusting system, and, if the focus adjusting system has been driven in one direction until the number of times of the determination repeatedly performed reaches a predetermined number of time, restrains the focus adjusting system from being driven in the one direction, as claimed in Claim 1.

Conclusion

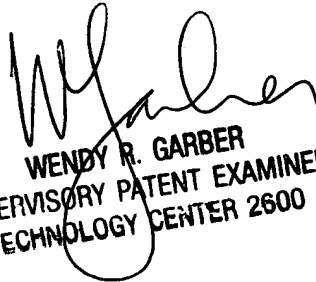
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline Wilson whose telephone number is (703) 308-5080. The examiner can normally be reached on 8:30am-5:00pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JW
01/18/05


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